
ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)
- 2) Code Citation: 17 Ill. Adm. Code 1515
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1515.5	Amendment
1515.10	Amendment
1515.15	New Section
1515.20	Amendment
1515.30	Amendment
1515.40	Repealed
1515.50	Amendment
1515.60	Repealed
1515.70	Amendment
1515.75	New Section
1515.80	Repealed
1515.90	Amendment
1515.Exhibit A	Amendment
1515.Exhibit B	Repealed
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], and the Civil Administrative Code of Illinois [20 ILCS 805].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to clearly capture the requirements for the Stateside of CREP, adjust easement options to make them more desirable for landowners, and add the option for landowners with non-permanent easements the option to extend their easement at the end of the easement term.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Nicole Thomas, Legal Counsel
Department of Natural Resources
One Natural Resources
Springfield, IL 62702

217/782-1809

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: January 2021

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER d: FORESTRY

PART 1515

CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

1515.5 Definitions

1515.10 ~~Purpose~~[General Provisions](#)

[1515.15 Illinois CREP Grant of Conservation Right and Easement Agreement](#)

1515.20 [Acreage Eligibility](#)~~Requirements~~

1515.30 Enrollment Process

1515.40 Exceptions to Enrollment Process ([Repealed](#))

1515.50 Payments

1515.60 Violation ([Repealed](#))

1515.70 [Illinois Conservation Management Plans](#)~~Compliance and Easement Stewardship~~

[1515.75 Monitoring Access, Landowner Information Requests, and Signage](#)

1515.80 Modifications to Grant of Conservation Right and Easement ([Repealed](#))

1515.90 [Violations](#)~~Transfer of a Grant of Conservation Right and Easement~~

1515.EXHIBIT A Map of Eligible Area in Illinois and Kaskaskia River Watersheds

1515.EXHIBIT B List of CREP Eligible Illinois Soil and Water Conservation Districts
([Repealed](#))

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], and the Civil Administrative Code of Illinois [20 ILCS 805].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7329, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13600, effective October 9, 2001; amended at 27 Ill. Reg. 12677, effective July 21, 2003; amended at 29 Ill. Reg. 20507, effective December 2, 2005; amended at 35 Ill. Reg. 1636, effective January 14, 2011; amended at 40 Ill. Reg. 5654, effective March 16, 2016; amended at 46 Ill. Reg. _____, effective _____.

Section 1515.5 Definitions

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"100-year Floodplain" means an area adjacent to a body of water that has a 1% chance of being flooded in a given year, as identified by the Federal Emergency Management Agency on the flood insurance rate map as a special flood hazard area.

"Additional Acres" means acres enrolled in an Illinois CREP Grant of Conservation Right and Easement that were not enrolled in the original Federal CREP contract that further the purposes of Federal CREP and the goals of Illinois CREP to improve water quality and fish and wildlife habitat, and create or expand a corridor for the protection of fish and wildlife.

~~"CRP Soil Rental Rates" means the price values that are associated with each soil type and that are used to calculate payments to CRP contract holders.~~

~~"Commodity Credit Corporation" or "CCC" means the federal government-owned and operated entity that was created to stabilize, support and protect farm income and prices under the federal Food and Security Act of 1985, as amended (16 USC 3830 et seq.) and its regulations.~~

~~"Conservation Plan" means a detailed prescription for managing and/or restoring land for ecological benefit.~~

~~"Conservation Practices" or "CP" means commonly used conservation methods developed and described by the USDA NRCS in its National Handbook of Conservation Practices. Individual states can adopt the CP, with or without modifications as needed for state variations in soils, climate and topography. The CP are designed to improve natural resources with respect to soil, water, air, plants and animals plus humans (SWAPA+H) and include:~~

~~CP9 (Shallow Water Areas for Wildlife)—intended to develop or restore shallow water areas, to an average depth of 6 to 18 inches, for wildlife;~~

~~CP11 (Vegetative Cover—Trees Already Established)—used to identify land established to trees that is under CRP contract at the time the acreage is offered for enrollment in CRP and the producer elects to reoffer the acreage to be devoted to trees;~~

~~CP12 (Wildlife Food Plot)—intended to establish annual or perennial wildlife food plots that will enhance wildlife or wildlife habitat;~~

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~~CP2 (Establishment of Permanent Native Grasses)—intended to establish a vegetative cover of native grasses on eligible cropland that will enhance environmental benefits;~~

~~CP21 (Filter Strip)—intended to remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body;~~

~~CP22 (Riparian Buffer)—intended to:~~

~~remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body; and~~

~~create shade to lower water temperature to improve habitat for aquatic organisms and to provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.~~

~~CP23 (Wetland Restoration)—intended to restore the functions and values of wetland ecosystems that have been devoted to agriculture use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or a qualified Technical Service Provider;~~

~~CP25 (Rare and Declining Habitat)—intended to restore the functions and values of critically endangered, endangered and threatened habitats. The extent of the restoration is determined by the specifications developed at the state level;~~

~~CP3 (Tree Planting)—intended to establish a stand of trees in a timber planting that will enhance environmental benefits;~~

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~~CP39 (Constructed Wetland)—intended to improve water quality by increasing nutrient and sediment trapping efficiencies as well as increase wildlife habitat in row-cropped agricultural drained land;~~

~~CP3A (Hardwood Tree Planting)—intended to establish a stand of predominantly hardwood trees in a timber planting that will enhance environmental benefits;~~

~~CP4D (Permanent Wildlife Habitat, Noneasement)—intended to establish a permanent wildlife habitat cover to enhance environmental benefits for the wildlife habitat of the designated or surrounding areas.~~

~~"Conservation Reserve Enhancement Program" or "CREP" means the State of Illinois land conservation program administered by the Department of Natural Resources to enhance:~~

~~water quality by reduction of sediment and nutrients; and~~

~~wildlife habitats for rare and declining species as well as for State and federally listed threatened and endangered species in the Illinois River and Kaskaskia River watersheds, as identified in Exhibit A.~~

~~"Conservation Reserve Program" or "CRP" means the federal land conservation program administered by the USDA Farm Service Agency. In exchange for a yearly rental payment, farmers enrolled in the federal CRP agree to remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality.~~

~~"Continuous CRP Signup" means a subset of federal CRP that allows landowners to enroll land into conservation practices year-round. Conservation practices eligible for continuous signup may have limits on size or width and may be linear in shape (e.g., along field edges or bodies of water).~~

~~"Cost Share Payments" means payments made to CRP/CREP participants to pay for a set percentage of the cost of conservation practice installation.~~

~~"Department" or "IDNR" means the Illinois Department of Natural Resources.~~

~~"Erodibility Index" or "EI" means the technical value calculated by dividing all potential erosion sources by the maximum average soil loss (in tons) that will still~~

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~~allow the current level of crop production in the future. This index is used to determine highly erodible land.~~

"Federal CREP" means FSA's Conservation Reserve Enhancement Program (a subprogram of Federal CRP), a land conservation program.

"Federal CRP" means FSA's Conservation Reserve Program, a land conservation program.

~~"Farm Service Agency" or "FSA" means the United States Department of Agriculture, Farm Service Agency division of USDA that administers many farm commodity, crop insurance, credit, environmental, conservation and emergency assistance programs for farmers and ranchers.~~

~~"Farmed Wetlands" means the wetland areas that were partially drained or altered to improve crop production prior to the enactment of the Food and Security Act of 1985 (1985 Farm Bill), effective December 23, 1985. Farmed wetlands may be farmed in a manner consistent with farming practices prior to the effective date of the 1985 Farm Bill, and the drainage may be maintained to the same wetland conditions that were in place before December 23, 1985.~~

~~"General CRP Signup" means a subset of the federal CRP with a specific timeframe designated by USDA that may include the full spectrum of conservation practices that are typically eligible during general signups and allowing for large CRP enrollment acreages.~~

"Illinois CREP Grant of Conservation Right and Easement Agreement" means a legally binding written agreement document that specifies the conservation rights and the easement rights granted to IDNR or the applicable SWCD from the Landowner to enroll acreage into Illinois CREP that a landowner has relinquished or retains by the granting of a conservation right and easement.

~~"Highly Erodible Land" or "HEL" means land or riparian areas within the 100 year floodplain that is susceptible to erosion as determined by USDA NRCS and has an EI of at least 8.~~

"IDNR" means the Illinois Department of Natural Resources.

"Illinois Conservation Management Plan" means the document developed by IDNR and the Landowner that documents current conditions and sets forth

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conservation management strategies and actions on enrolled Illinois CREP Acreage.

"Illinois CREP" means the Conservation Reserve Enhancement Program, a State of Illinois land conservation program administered by IDNR.

"Illinois CREP Acreage" means the cumulative acres encumbered by an Illinois CREP Grant of Conservation Right and Easement.

"Illinois River Watershed" means the geographic area along the Illinois River (see Exhibit A).

"Kaskaskia River Watershed" means the geographic area along the Kaskaskia River (see Exhibit A).

"Landowner" means the applicant or grantor enrolling land in Illinois CREP. The Landowner can be a person, trust, corporation, or any other legal entity that has authority to encumber land eligible for Illinois CREP.

~~"Illinois Wildlife Action Plan" means a comprehensive plan that describes the particular needs of wildlife that are declining in Illinois so that populations can be stabilized and increased and that outlines specific geographic areas where efforts can be focused to achieve the greatest benefit.~~

~~"Maximum CRP Rental Rates" means the overall rental payment per acre that is calculated using the three predominant soil types that make up an area to be enrolled in CRP. A weighted average of the individual rates associated with each soil type determines the overall rental payment per acre.~~

~~"National CRP Directives" means the federal amendments to the FSA Handbook (2-CRP; revision 5), available on the FSA website (www.fsa.usda.gov/il) and the IDNR website (www.dnr.state.il.us).~~

~~"Natural Resources Conservation Service" or "NRCS" means the division of USDA that serves as the primary federal agency working with private landowners to assist with conserving, maintaining and improving their natural resources.~~

~~"Non-cropped Acres" means acreage where an approved agricultural commodity is not produced, but that may be eligible to be included as additional acres in a~~

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~~permanent CREP easement when enrolled in conjunction with other cropland acres.~~

~~"Practice Incentive Payment" or "PIP" means a one-time payment made to CRP participants when the first conservation practice is installed on land enrolled in CRP.~~

~~"Prior Converted Wetlands" means wetland areas that were fully altered or improved for agriculture before the enactment of the 1985 Farm Bill (effective December 23, 1985) and have no restrictions on either drainage maintenance or additional drainage on these areas.~~

~~"Riparian Areas" or "Riparian Buffer Areas" means land along a river or stream.~~

~~"Signup Incentive Payment" or "SIP" means a one-time payment made to federal CRP participants when they sign up for the federal CRP program.~~

~~"Soil and Water Conservation District" or "SWCD" means a Soil and Water Conservation District, a county-based the local county government entity in Illinois that provides technical assistance and tools to manage and protect land and water resources in its respective county or counties and that works cooperatively with IDNR to manage the State CREP. (See list of participating SWCDs on the IDNR CREP website in Exhibit B.)~~

~~"Technical Review Team" means the Illinois CREP advisory team, comprised of staff from divisions of IDNR.~~

~~"Technical Service Provider" or "TSP" means an individual certified to provide technical assistance on behalf of USDA for purposes of conservation planning and design, layout, installation and checkout of approved conservation practices.~~

~~"U.S. Department of Agriculture" or "USDA" means the federal government entity that is authorized to promote public policy regarding agriculture, natural resources and conservation of the nation's natural resources through restored forests, improved watersheds and healthy private working lands and to promote cooperative efforts between state and local government entities and the private sector.~~

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~~"USDA Form AD-245" means the document issued by USDA FSA that is reviewed and signed by the landowner, represents the landowner's official request for cost share through CRP, and details the amounts to be paid to the landowner.~~

~~"USDA Form AD-862" means the document issued by USDA FSA that is completed by a designated and qualified official to evaluate the condition and success of conservation practices associated with a CRP contract.~~

~~"Watershed" means an area of land where surface water from precipitation converges at a lower elevation and where the water joins another waterbody, such as a river, lake or wetland.~~

~~"Wetlands Farmed under Natural Conditions" means an area that meets wetland criteria, but has not been drained or otherwise altered to eliminate normal wetland function.~~

~~"Wetlands" means land that:~~

~~has a predominance of hydric soils that were formed under conditions of saturation, flooding, ponding long enough during a growing season to develop anaerobic conditions in the upper part of the soils;~~

~~is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and~~

~~supports a prevalence of such vegetation under normal conditions. (See USDA NRCS Wetland Reserve Program Manual—Section 514.70, Definitions "SS".)~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1515.10 Purpose~~General Provisions~~

Illinois CREP~~The Conservation Reserve Enhancement Program~~ is a land conservation program that provides compensation to Landowners~~voluntary State incentive program designed to improve~~~~address~~ water quality and ~~enhance fish and wildlife habitat on private lands in~~~~concerns within the Illinois River Watershed and Kaskaskia River Watershed in Illinois Watersheds (see Exhibit A).~~ Illinois CREP provides Landowners that currently have or have had acreage enrolled in federal CREP contracts prior to May 26, 2021 or are currently enrolled in an Illinois CREP

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Grant of Conservation Right and Easement Agreement the opportunity to enroll that acreage for additional time (15 years or permanent) in Illinois CREP Grant of Conservation Right and Easement Agreement. Additionally, Illinois CREP provides Landowners that enroll acreage into the federal CREP contract after May 26, 2021 the opportunity to fulfill the federal mandate to enroll that same acreage into an Illinois CREP Grant of Conservation Right and Easement Agreement (either 15 years or permanent). Upon an Illinois CREP Grant of Conservation Right and Easement Agreement becoming effective, acreage becomes Illinois CREP Acreage and shall be operated and maintained in accordance with an Illinois Conservation Management Plan during the term of the Illinois CREP Grant of Conservation Right and Easement Agreement. As described in the Agreement between USDA Commodity Credit Corporation and State of Illinois (effective October 25, 2010), the Illinois CREP is a state partner with the federal Conservation Reserve Program. The Illinois CREP is designed to provide additional incentives and opportunities for landowners to restore, enhance and protect environmentally sensitive lands within both watersheds. Eligible lands may be retired and protected for 15 or 35 years or in perpetuity. The Illinois CREP is will be managed locally by the local SWCDs, with support from local non-governmental organizations (NGOs), and in cooperation with IDNR.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1515.15 Grant of Conservation Right and Easement Agreement

- a) In order to participate in Illinois CREP, Landowners must enroll the entirety of acreage enrolled in a current Federal CREP contract and execute an Illinois CREP Grant of Conservation Right and Easement Agreement. Each Illinois CREP Grant of Conservation Right and Easement Agreement shall address the following issues:
- 1) The rights granted to IDNR or SWCD by the Landowner;
 - 2) The rights reserved by the Landowner;
 - 3) A legal description of the acreage to be enrolled into Illinois CREP;
 - 4) The amount to be paid for the Illinois CREP Grant of Conservation Right and Easement Agreement;
 - 5) An Illinois Conservation Management Plan for the enrolled acreage; and
 - 6) Any other additional terms and conditions agreed upon by the Landowner and IDNR.

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- b) Landowners have the option to enter into a permanent Illinois CREP Grant of Conservation Right and Easement Agreement or a 15-year Illinois CREP Grant of Conservation Right and Easement Agreement. Landowners with existing 15-year or 35-year Illinois CREP Grant of Conservation Right and Easement Agreement can enroll in new Illinois CREP Grant of Conservation Right and Easement Agreement or convert to a permanent Illinois CREP Grant of Conservation Right and Easement Agreement.
- c) Illinois CREP Grant of Conservation Right and Easement Agreement become effective depending on the acreage covered:
 - 1) For acres subject to a current Federal CREP contract, an Illinois CREP Grant of Conservation Right and Easement Agreement becomes effective upon the expiration or termination of the Federal CREP contract. However, the Illinois CREP Grant of Conservation Right and Easement Agreement is enforceable by IDNR upon its execution;
 - 2) For acres subject to a current Illinois CREP Grant of Conservation Right and Easement Agreement, a future Illinois CREP Grant of Conservation Right and Easement Agreement becomes effective upon the expiration of the current Illinois CREP Grant of Conservation Right and Easement Agreement; and
 - 3) For Additional Acres, an Illinois CREP Grant of Conservation Right and Easement Agreement becomes effective upon the execution of that Illinois CREP Grant of Conservation Right and Easement Agreement.
- d) Illinois CREP Grant of Conservation Right and Easement Agreement will not be modified except for instances of public benefit, including, but not limited to, improvements in transportation and public utilities, issues of public safety, or when the modification is otherwise in the best interest of the State of Illinois. In cases of modification, IDNR, or the SWCD shall:
 - 1) Investigate reasonable alternatives or mitigation to protect the State interests purchased under the Illinois CREP Grant of Conservation Right and Easement Agreement, to the extent practicable; and
 - 2) Negotiate with the Landowner and any other appropriate party to modify the Illinois CREP Grant of Conservation Right and Easement Agreement

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to protect the State interests held under the Illinois CREP Grant of Conservation Right and Easement Agreement, to the extent practicable, if no reasonable alternative is available.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 1515.20 Acreage Eligibility Requirements

Lands that meet the eligibility criteria for federal CRP contracts, as determined by FSA and Section 1515.40(c), are eligible for enrollment in the State CREP Program.

- a) Illinois CREP Acreage must contain the entirety of all acres enrolled in a current Federal CREP contract or a current Illinois CREP Grant of Conservation Right and Easement Agreement to qualify for the program. The acres to be enrolled under CREP must consist of eligible land located within the Illinois and/or Kaskaskia River Watersheds (see Exhibit A). Eligible acres include the following:
 - 1) Flooded and/or wetland riparian areas, which, for this purpose, shall be defined to be cropland or marginal pastureland that is either:
 - A) within the 100-year floodplain of the Illinois or Kaskaskia River and its tributary stream systems; or
 - B) for wetland restoration purposes only, located within the watersheds and determined by NRCS to be either a "farmed wetland" or "prior converted wetland", as defined in Section 1515.5.
 - 2) Highly erodible riparian areas, which are croplands that have a weighted average EI of 8 or greater as determined by FSA and are located immediately adjacent to a riparian area within the 100-year floodplain. The eligible adjacent riparian area must be enrolled in CREP or another CRP enrollment opportunity.
 - 3) Eligible lands may also be adjacent to lands enrolled under subsections (a)(1) and (2), if determined to be infeasible to farm according to National CRP Directives.
- b) Additional Acres may be enrolled, at IDNR's discretion, in the Illinois CREP

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Grant of Conservation Right and Easement Agreement in addition to the land currently enrolled in Federal CREP. For purposes of Illinois CREP, Additional Acres must meet all of the following criteria:~~CRP conservation practices eligible for CREP enrollments and cost share assistance are listed in subsections (b)(1) through (4).~~

- 1) Land must be immediately contiguous to land currently enrolled in Federal CREP. Land physically located immediately across a road, stream, or river from the land enrolled in Federal CREP will be considered contiguous to this land.~~For lands qualifying as riparian buffers or wetlands:~~
 - A) ~~CRP Conservation Practice CP 3A (Hardwood Tree Planting)~~
 - B) ~~CRP Conservation Practice CP 4D (Permanent Wildlife Habitat, Noneasement)~~
 - C) ~~CRP Conservation Practice CP 9 (Shallow Water Areas for Wildlife)~~
 - D) ~~CRP Conservation Practice CP 11 (Vegetative Cover — Trees — Already Established)~~
 - E) ~~CRP Conservation Practice CP 12 (Wildlife Food Plot)~~
 - F) ~~CRP Conservation Practice CP 21 (Filter Strip)~~
 - G) ~~CRP Conservation Practice for Cropland and Marginal Pastureland CP 22 (Riparian Buffer)~~
 - H) ~~CRP Conservation Practice CP 23 (Wetland Restoration)~~
 - I) ~~CRP Conservation Practice CP 25 (Rare and Declining Habitat)~~
- 2) Land must be physically located on the same "farm", as defined by FSA at 7 CFR 718.2, as the immediately contiguous land enrolled in Federal CREP.~~For lands qualifying on the basis of erodibility (lands with an EI \geq 8):~~

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- A) ~~CRP Conservation Practice CP 2 (Establishment of Permanent Native Grasses)~~
- B) ~~CRP Conservation Practice CP 3 (Tree Planting)~~
- C) ~~CRP Conservation Practice CP 3A (Hardwood Tree Planting)~~
- D) ~~CRP Conservation Practice CP 4D (Permanent Wildlife Habitat, Noneasement)~~
- E) ~~CRP Conservation Practice CP 12 (Wildlife Food Plot)~~
- F) ~~CRP Conservation Practice CP 25 (Rare and Declining Habitat)~~

- 3) Land must be devoted to a cover that is equivalent to, or exceeds, FSA criteria and standards for one or more eligible Federal CREP conservation practices at the time the Illinois CREP Grant of Conservation Right and Easement Agreement is approved; or devoted to a cover that is equivalent to or exceeds, FSA criteria and standards for one or more eligible Federal CREP conservation practices no later than 12 months after the Illinois CREP Grant of Conservation Right and Easement Agreement is executed. IDNR will not provide any cost-share or other payment to improve, enhance, or otherwise establish a cover on Additional Acres. For lands qualifying on a wetland basis within the 100-year floodplain:

~~CRP Conservation Practice CP 39 (Farmable Wetland Program—Constructed Wetland)~~

- 4) Land, in combination with the land enrolled in Federal CREP, must further the purposes of Federal CREP and the goals of Illinois CREP to improve water quality and fish and wildlife habitat, and create or expand a corridor for the protection of fish and wildlife. Additional practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for use on the enrolled property. Exception can be made to eligible practices or to standards within a conservation practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.
- 5) Land containing aquatic acres. The total permanent aquatic acres shall not exceed 10% of any Illinois CREP Acreage. Eligibility of intermittent

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aquatic acres is not limited for enrollment in an Illinois CREP Grant of Conservation Right and Easement Agreement. Aquatic acres are defined as:

- A) Permanent aquatic acres: perennial streams, rivers, ponds or lakes capable of sustaining fish populations year-round during years receiving normal site precipitation.
- B) Intermittent aquatic acres: non-perennial or ephemeral streams, rivers, ponds or lakes incapable of sustaining fish populations year-round during years receiving normal site precipitation.
- c) Acres currently encumbered by a conservation related easement or property right, other than Federal CREP or Federal CRP contracts or Illinois CREP Illinois CREP Grant of Conservation Right and Easement Agreement, are not eligible for enrollment in Illinois CREP.
- d) IDNR may, at its discretion, extend the environmental and conservation benefits of the Illinois CREP Grant of Conservation Right and Easement Agreement" by enrolling an existing 15-year or 35-year Illinois CREP Grant of Conservation Right and Easement Agreement, with no current violations, in a new Illinois CREP Grant of Conservation Right and Easement Agreement for an additional 15 years or into perpetuity.
- e) Acres are not eligible for Illinois CREP if enrolling that acreage would result in payments of greater than \$500,000 or 5% of available Illinois CREP funds, whichever is less, for any given State of Illinois fiscal year to an individual, or consortium of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1515.30 Enrollment Process

- a) IDNR will determine if enrollment for Illinois CREP is available based on Illinois CREP appropriations and availability of Federal CREP. IDNR will post notice of Illinois CREP availability on the IDNR CREP website. ~~An applicant for CREP must be enrolled in CRP or comply with the criteria in Section 1515.40.~~

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- b) Landowners enrolling acreage in Illinois CREP~~An applicant for CREP shall initiate the enrollment process through their localthe appropriate SWCD office (see Exhibit B). If their localan SWCD is not participating in Illinois CREPdecides not to hold the 15-year, 35-year or permanent easements for that county, IDNR will direct the Landowner to an alternative SWCD,work with the landowner to complete the enrollment process. The applicant shall complete a CREP enrollment form that specifies the desired option: a 15-year easement, a 35-year easement or a permanent easement.~~
- c) Illinois CREP enrollment shall adhere to the following timing requirements:
- 1) Landowners enrolling acreage in an Illinois CREP Grant of Conservation Right and Easement Agreement that is subject to a Federal CREP contract enrolled before May 26, 2021 must execute the Illinois CREP Grant of Conservation Right and Easement Agreement prior to the termination date of the Federal CREP contract, unless an extension is granted by IDNR.
 - 2) Landowners enrolling acreage in an Illinois CREP Grant of Conservation Right and Easement Agreement that is subject to a new Federal CREP contract after May 26, 2021 must execute the Illinois CREP Grant of Conservation Right and Easement Agreement within 18 months of execution of the Federal CREP contract, unless an extension is granted by FSA.
 - 3) Landowners enrolling acreage in an Illinois CREP Grant of Conservation Right and Easement Agreement that is subject to an expired Federal CREP contract enrolling acreage, but is under an existing 15-year or 35-year Illinois CREP Grant of Conservation Right and Easement Agreement, have the following options:
 - A) Landowners may request a subsequent 15-year Illinois CREP Grant of Conservation Right and Easement Agreement within the last 18 months of an existing Illinois CREP Grant of Conservation Right and Easement Agreement.
 - B) Landowners may request the conversion of an existing Illinois CREP Grant of Conservation Right and Easement Agreement to a permanent Illinois CREP Grant of Conservation Right and Easement Agreement at any time.

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- d) ~~IDNR or the associated~~The SWCD shall assist the ~~Landowner and conduct the enrollment process. Illinois CREP applicant and shall use IDNR prescribed CREP-enrollment forms that are available on the IDNR CREP websiteonline at www.dnr.illinois.gov/CREP-enrollment.~~ A complete Illinois CREP enrollment application shall include the following:
- 1) ~~Signed Illinois CREP enrollment application formA CREP application form with the specific easement option;~~
 - 2) ~~Landowner identification information;~~
 - 3) ~~Landowner signature form;~~
 - 24) ~~Current Federal CREPA~~Approved FSA CRP Contract (CRP-1) ~~and Federal CREP Worksheet (CRP-2C), if applicable;~~
 - 3) Current Illinois CREP Grant of Conservation Right and Easement Agreement, if applicable;
 - 5) ~~Approved FSA Conservation Reserve Program Worksheet (CRP-2C);~~
 - 46) ~~Property identification information, including aerial photo or satellite imaging depicting the Federal CREP acreage; Illinois federal CRP acres; CREP Acreage; Additional Acresadditional acres; and site access routes;~~
 - 7) ~~IDNR Soil Rental Rate (SRR) calculation form;~~
 - 58) ~~Deed;~~
 - 69) Property tax~~Tax~~ bills;
 - 74) ~~Letter of commitment for grant of ingress/egress, if applicable;~~
 - 84) ~~Power of Attorney, if applicable;~~
 - 94) ~~Current Federal~~Approved NRCS Conservation Plan ~~or —Schedule of Operation or an Illinois Conservation Management Plan;~~ and
 - 104) ~~Any additional or clarifying information that may be requested by IDNR.~~

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- d) ~~The SWCD shall submit the CREP enrollment application and the FSA approved CRP contract to IDNR at DNR.CREP@illinois.gov on behalf of the applicant. An enrollment number and receipt date will be assigned to the enrollment application. The enrollment number, approval date or waiting list status information shall be e-mailed to the SWCD office to confirm funding allocation or the appropriation status for the approved enrollment application.~~
- e) The Illinois State CREP enrollment application will be submitted to ~~reviewed by~~ the ~~IDNR CREP~~ Technical Review Team.
 - 1) The Technical Review Team shall conduct an initial review of the enrollment application to determine if all necessary documents have been submitted by the SWCD. ~~1) If the enrollment application is complete, IDNR will conduct the following review:~~
 - A) Determine if all required documents have been submitted; An initial technical review that may result in:
 - i) ~~approval of the application for further evaluation;~~
 - ii) ~~suggested changes in the application; or~~
 - iii) ~~nonapproval of the application;~~
 - B) Determine if the proposed Illinois CREP Acreage meets all eligibility requirements of Section 1515.20; and A field review for each offered easement site to document field conditions of the property, such as absence of permanent structures, waste dumps and other uses or conditions; and
 - C) Assign an application receipt date and enrollment number. A final technical review of the offered easement with any new information obtained by the field review or other sources; and
 - 2) The initial review may result in ~~A finding that may:~~
 - Ai) Approval of ~~approve~~ the enrollment application for further ~~evaluation~~ ~~processing to authorize the offered easements, as identified;~~

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Bii) ~~Suggested~~ changes ~~infor~~ the ~~enrollment~~ application; or

Ciii) ~~Denial of~~ the enrollment application with the basis or reasoning for the denial~~findings for suggested changes.~~

32) Upon approval of the enrollment application for further evaluation, the Technical Review Team shall conduct a technical review and negotiate terms of a proposed Illinois CREP Grant of Conservation Right and Easement Agreement to:~~The applicant may withdraw from the process, accept the changes, or propose other options to modify the enrollment application.~~

A) Document field conditions of the property, such as the presence of permanent structures, waste dumps, and other uses or conditions;

B) Analyze or review any new information obtained by the field review or other sources;

C) Prepare a preliminary Illinois Conservation Management Plan of the proposed acreage; and

D) Negotiate the following terms of the proposed Illinois CREP Grant of Conservation Right and Easement Agreement:

i) Specific acres to be enrolled;

ii) The Illinois CREP payment rate for the acres to be enrolled (see Section 1515.50);

iii) Estimated Illinois CREP Grant of Conservation Right and Easement Agreement payment;

iv) Estimated Illinois CREP cost-share payment, if any; and

v) Preliminary Illinois Conservation Management Plan.

4) Upon completion of the technical review and negotiation of the proposed Illinois CREP Grant of Conservation Right and Easement Agreement, the Technical Review Team may:

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- A) Approve the enrollment application for further processing of the proposed Illinois CREP Acreage, as identified; or
 - B) Deny the enrollment application, with the basis and reasoning for the denial.
- f) The Landowner will be provided with a preliminary draft of the proposed Illinois CREP Grant of Conservation Right and Easement Agreement reflecting the negotiated terms. If the CREP enrollment application is approved by IDNR, the applicant shall acknowledge receipt of the IDNR approval in writing. Upon receipt of applicant's written acknowledgement, the proposed easement project will be eligible for CREP funding. If sufficient funding under the CREP appropriation is not available for that fiscal year, the enrollment application will be assigned an enrollment number and date and placed on an enrollment waiting list pending future CREP appropriations.
- 1) The Landowner shall provide written approval of the preliminary draft using the form provided.
 - 2) If the Landowner cancels or withdraws from the Illinois CREP enrollment process after providing written approval of the preliminary draft, but prior to the closing on the Illinois CREP Grant of Conservation Right and Easement Agreement, the Landowner shall be required to pay costs incurred by the SWCD and IDNR after the date of approval. These costs include: administrative costs for meetings and field visits; costs associated with completing Illinois CREP documents and executing the Illinois CREP Grant of Conservation Right and Easement Agreement; attorney fees; survey expenses; title work; and other SWCD costs. IDNR will send written notice to the Landowner requesting payment with a summary of the costs incurred from the written approval date through the date of cancellation or withdrawal.
- g) IDNR will confirm the necessary title and land rights for the purchase of the Illinois CREP Grant of Conservation Right and Easement Agreement. When the CREP enrollment application is accepted for funding, the applicant shall work with the SWCD to execute a 15-year, 35-year or permanent easement document, as approved by IDNR and to record the appropriate documents with the County Recorder in accordance with the prescribed CREP procedures further detailed in the IDNR CREP manual (Part V State CREP Title, Legal, Survey and Closing).

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- 1) IDNR or SWCD and the Landowner shall address, if necessary, the following property issues including:
 - A) Title commitments and title insurance policies;
 - B) Mortgage subordinations, if applicable;
 - C) Survey of proposed acreage, if IDNR determines a survey is necessary; and
 - D) Any other appropriate property issues.
 - 2) If IDNR determines that any condition of the property or its title is incompatible with the proposed Illinois CREP requirements, IDNR will notify the SWCD and the Landowner and suspend the Illinois CREP enrollment process until the incompatible condition of the property or in the property title is resolved. If the incompatible condition cannot be resolved on a timely basis, IDNR may terminate the enrollment process, with notice to the SWCD and the Landowner.
- h) Upon IDNR approval of the necessary title and land rights, the SWCD or IDNR and the Landowner will close on the purchase of the Illinois CREP Grant of Conservation Right and Easement Agreement. All executed Illinois CREP Grant of Conservation Right and Easement Agreement shall be recorded with the local County Recorder.~~If the applicant cancels his/her CREP enrollment or withdraws from the CREP enrollment process after the application has been accepted for funding, but prior to the recording or granting of any conservation easements, IDNR will seek repayment from the applicant of the costs incurred by the SWCD and IDNR during the CREP enrollment process. These costs may include: administrative costs for meetings and field visits, costs associated with completing CREP documents and executing the easement, attorney fees, surveys, title work, cost share payments, recording fees and other SWCD costs. IDNR will send a written notice to the applicant requesting repayment, with a summary of the enrollment costs incurred from the acceptance date of the enrollment through the date of cancellation or withdrawal.~~
- i) If, at any time during the enrollment process set forth in this Section, IDNR determines that insufficient funds are available to complete the purchase of an Illinois CREP Grant of Conservation Right and Easement Agreement, IDNR or the SWCD will notify the Landowner of this situation and the enrollment process

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~~shall be delayed until sufficient funding becomes available. Should an enrollment process be delayed for lack of sufficient funds, the Landowner may elect to wait for sufficient funding or elect to any condition of the property or its title is incompatible with the proposed CREP conservation easement, IDNR will notify the SWCD and applicant, suspending the CREP enrollment process until the incompatible condition in the property title is resolved. If that incompatible condition cannot be resolved on a timely basis, IDNR may terminate the enrollment process at no cost with notice to the Landowner applicant.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1515.40 Exceptions to Enrollment Process (Repealed)

- a) ~~Landowners with acres that are subject to a pre-existing restrictive covenant that gives to the State the rights provided by a CREP 15-year, 35-year or permanent easement, or landowners who are restoring the acres for wetland mitigation from a State or federal action, are ineligible for CREP bonus payments and cost share payments.~~
- b) ~~As provided for in the Real Property Conservation Rights Act [765 ILCS 120], any agency of the State, unit of local government, or not-for-profit corporation or trust whose primary purposes include the conservation of land and natural areas, may hold the CREP 15-year, 35-year or permanent easements for willing CREP landowners. The holding entity must contact IDNR with a signed list of willing landowners, including binding commitments from those landowners. IDNR will assist the entity with the enrollment process. Upon completion of the enrollment process, the entity shall execute the 15-year, 35-year or permanent easements, administer all required easement obligations, and provide annual monitoring summary reports to IDNR by September 30 of each year.~~
- e) ~~Landowners with acres enrolled in federal CRP sign-ups in Illinois CREP eligible areas are eligible to enroll the CRP acres into CREP 15-year, 35-year or permanent easements and additional non-cropped acres into CREP permanent easements if:~~
 - 1) ~~the landowner is required to enroll and obtain a CREP permanent easement for a federal and/or State watershed project; and/or~~
 - 2) ~~the CRP acres and non-cropped acres meet all other Illinois CREP eligibility requirements; and~~

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- 3) ~~appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a CREP permanent easement.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 1515.50 Payments

~~Illinois CREP payments~~ Payments will be ~~provided to the landowner upon execution of the contract supplement or permanent easement at closing of the CREP enrollment process based upon the following formulas:~~

- a) ~~Illinois CREP Grant of Conservation Right and Easement Agreement~~ Bonus Payments

- 1) ~~Payment for Permanent Easements A) The payment to a landowner for an initial a voluntary permanent Illinois CREP Grant of Conservation Right and Easement easement will be a one-time lump sum payment equal to the total number of acres enrolled, multiplied by the Illinois CREP payment rate (calculated at the time of the preliminary agreement as the weighted average of the individual federal CRP soil rental rates determined by FSA associated with the three predominate soil map units within the Illinois CREP Acreage, on a per acre basis, exclusive of any federal incentive payments), multiplied by 30 years, multiplied by 15% to discount the partial restrictions on the property CRP maximum annual soil rental rate as determined by FSA (based on soil types, exclusive of any federal incentive payments) times 15 years times 30% times number of acres enrolled. A minimum of 20 acres is required for CRP sign-up. If, however, the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the CRP sign-up if the acres have been approved by IDNR on the basis of location and relationship with adjacent enrollments.~~

- B) ~~If the landowner elects a permanent CREP easement option, additional cropped or non-cropped acres adjacent to acres that satisfy Section 1515.20 criteria, or acres in another CRP sign-up may be eligible for payment for a permanent CREP easement. (See Section 1515.20.) The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment (see subsection (c)(1)) for permanent easements, using the soil types on the additional acres. However, the landowner will~~

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~~not receive any CREP cost share payment for any conservation practice previously established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another federal and/or State cost share program to implement acceptable conservation practices on additional acres. CPs that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost share on the enrolled property through IDNR. (See subsection (b).) The eligibility criteria for a permanent easement on additional acres are:~~

- ~~i) the acres are in riparian areas within the 100-year floodplain of the Illinois or Kaskaskia River and their tributary stream systems (see Exhibit A) or the acres have an EI \geq 8 and need to be enrolled to meet the 20 acre minimum for permanent easements, or have been approved by IDNR because their location contributes significantly to addressing watershed and water quality issues;~~
- ~~ii) the acres are adjacent to cropped acres enrolled in a CREP permanent easement or are adjacent to the stream but on the opposite stream bank (same landowner); and~~
- ~~iii) the acres are already in acceptable conservation practices based on soil types and wildlife benefits or the landowner is willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another federal and/or State cost share program to implement the practices. A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign-up) offered for permanent easement.~~

- 2) Payment for 15-Year Easement The payment to a landowner for an initial a 15-year Illinois CREP Grant of Conservation Right and Easement Agreement easement will be a one-time lump sum payment that will equal to the total number of acres enrolled, multiplied by the Illinois CREP payment rate (calculated at the time of preliminary agreement as the weighted average of the individual Federal CRP soil rental rates determined by FSA associated with the three predominate soil map units within the Illinois CREP Acreage, on a per acre basis, exclusive of any

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~~Federal CREP incentive payments), multiplied by 50% of the payment for a voluntary, permanent easement, which is determined as follows: CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, multiplied by 25% to discount the partial restrictions on the property times 30%, times number of acres enrolled.~~

3) ~~Payment for 35 Year Easement~~

~~The payment to a landowner for a 35-year easement will be a lump sum payment that will equal 75% of the payment for a voluntary, permanent easement, which is determined as follows: CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled.~~

3) ~~The payment for a conversion of For those landowners who amend an existing Illinois CREP Grant of Conservation Right and Easement Agreement conservation easement from a 15-year easement or a 35-year easement to a permanent Illinois CREP Grant of Conservation Right and Easement Agreement will be a one-time payment equal to the total number of acres enrolled, multiplied by the Illinois CREP payment rate (calculated at the time of the preliminary agreement as the weighted average of the individual Federal CRP soil rental rates as determined by FSA associated with the three predominate soil map units within the Illinois CREP Acreage, on a per acre basis, exclusive of any federal CREP incentive payments), multiplied by 30 years, multiplied by 15% to discount the partial restrictions on the property, the total of which is reduced by the amount equal to the original Illinois CREP Grant of Conservation Right and Easement Agreement payment.easement, the payment to the landowner will be as follows:~~

A) ~~Payment for 15-year Easement Amended to a Permanent Easement~~

~~The payment to a landowner for a 15-year easement amended to a permanent easement will be the formulas found in subsections (a)(1)(A) and (B) minus the lump sum payment that will equal 50% of the payment for a voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 15-year easement).~~

B) ~~Payment for a 35-year Easement Amended to a Permanent Easement~~

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~~The payment to a landowner for a 35-year easement amended to a permanent easement will be the formulas found in subsections (a)(1)(A) and (B) minus the lump sum payment that will equal 75% of the payment for a voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 35-year easement).~~

- 4) The payment for a subsequent 15-year Illinois CREP Grant of Conservation Right and Easement Agreement within the last 18 months of an existing Illinois CREP Grant of Conservation Right and Easement Agreement will be a one-time payment equal to the total number of acres enrolled, multiplied by the Illinois CREP payment rate (calculated at the time of preliminary agreement as the weighted average of the individual Federal CRP soil rental rates, as determined by FSA) associated with the three predominate soil map units within the Illinois CREP Acreage, on a per acre basis, exclusive of any Federal CREP incentive payments), multiplied by 15 years, multiplied by 25% to discount the partial restrictions on the property.

- 5) ~~For those landowners who amend their existing CREP conservation easement from a 15-year easement to a 35-year easement, the payment to the landowner will be the formulas found in subsection (a)(3) minus the lump sum payment that will equal 50% of the payment for the voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 15-year easement.~~

b) Illinois CREP Landowner Cost-Share Payments

~~Landowners who enter the State CREP will also receive cost share payments for the installation of CREP approved CPs based on the following formulas:~~

- 1) Landowners who enroll in a new Illinois CREP Grant of Conservation Right and Easement Agreement may enter into a voluntary CREP permanent easement will receive cost-share payments if their current Federal CREP contract provides a federal cost share payment for the installation or maintenance of Federal CRP conservation practices reimbursement at a 50% cost share rate from the State based upon FSA guidelines for the installation of CREP approved CPs. The amount of reimbursement to a landowner from all sources may not exceed

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~~100% of the cost share rate of the practice established by FSA.~~

- 2) ~~The Illinois CREP cost-share payment will equal the cost-share payments provided by FSA to the Landowner for the establishment of Federal CRP conservation practices on Federal CREP Acreages. Landowners who enter into a 15-year or 35-year easement on acres defined as riparian areas, farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions, or acres enrolled on the basis of erodibility ($EI \geq 8$), will receive reimbursement at a 40% cost share rate from the State based upon FSA guidelines for the installation of CREP approved CPs. The amount of reimbursement to a landowner from all sources may not exceed 100% of the cost share rate of the CP established by FSA.~~
- 3) ~~Landowners enrolling acres that meet all eligibility requirements in Section 15-15.40(c) are not eligible for State CREP cost share payment for any conservation practice previously established on these acres. CPs that enhance or create habitat or desired environment as part of an IDNR approved CREP conservation plan may be eligible for cost share on the enrolled property. If applicable, the landowner may use another federal and/or State cost share program to implement acceptable CPs on these acres.~~
- 4) ~~Landowners who have a recorded permanent CREP conservation easement and approved conservation plan may be eligible to receive financial and technical assistance for long-term improvements of conservation practices to enhance or restore declining habitats to benefit wildlife species in greatest need of conservation, as defined in the IDNR 2005 Illinois Wildlife Action Plan (<http://www.dnr.illinois.gov/conservation/IWAP/documents/WildlifeActionPlan.pdf>), with the overall goal of improving water quality within the CREP watersheds. For CPs that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100% of any payments for the approved practice.~~

c) Mechanics of Payment

- 1) ~~The~~For executed 15-year, 35-year and permanent easements, the SWCD shall submit complete an invoice voucher and submit to IDNR indicating the Illinois CREP Grant of Conservation Right and Easement Agreement payment amount for the Landowner. Upon approval of the invoice, IDNR

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will submit a payment to the SWCD. The Illinois CREP Grant of Conservation Right and Easement Agreement payment will be distributed to the Landowner by the SWCD at closing a request for a lump sum bonus payment to the landowner.

- 2) The SWCD will submit an invoice ~~voucher~~ to IDNR for the Illinois CREP landowner's cost-share ~~payments~~ payment with completed USDA forms AD-862 and completed USDA form AD-245. The Illinois CREP cost-share invoice must include copies of the associated FSA cost-share forms (FSA Cost-Share Agreement (FSA-848A) and FSA Cost-Share Performance Certification and Payment (FSA-848B)). Upon approval of the invoice, IDNR will submit a payment to the SWCD. Illinois CREP cost-share payments will be distributed to the Landowner by the SWCD.
- 3) No individual, or consortium of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or 5%, whichever is less, of available CREP State funds for any given State fiscal year.
- 4) Total available funds for conservation practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or 5%, whichever is less, of available CREP State funds for any given State fiscal year.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1515.60 Violation (Repealed)

- a) Landowners who have been determined to violate the terms of their 15-year, 35-year or permanent easement shall:
 - 1) restore the conservation practices in full, according to the terms of the 15-year, 35-year or permanent easement, at their own expense within a reasonable time frame agreed to by IDNR, the SWCD and the landowner;
or
 - 2) refund to IDNR the total of all money from the State lump sum payment, the State cost share payment, the amount paid to the SWCD by IDNR for administrative costs to enroll the land and hold the easement;

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- 3) ~~refund attorney fees paid by the SWCD;~~
- 4) ~~pay survey costs, title work, cost-share payments and recording fees; and~~
- 5) ~~pay a 15% per annum penalty fee (15% of the total of all State payments made to the county SWCD for the easement times the number of years the easement has been in effect).~~
- b) ~~Except upon a recommendation for enforcement by IDNR that seeks a revocation of a conservation right and easement, any payment for violation or refund payment by the landowner shall not be construed as a buy-out of a conservation easement by either IDNR or the SWCD, and shall not release the landowner or the grantor from the terms of the Grant of Conservation Right and Easement.~~
- e) ~~Any payment for violation or refund that is collected from a landowner who has been determined to violate the terms of the Grant of Conservation Right and Easement may be deposited into the Illinois Habitat Fund (see 520 ILCS 25).~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 1515.70 Illinois Conservation Management Plans~~Compliance and Easement Stewardship~~

- a) Illinois CREP Acreage shall be operated and maintained by Landowners pursuant to an Illinois Conservation Management Plan for the duration of the Illinois CREP Grant of Conservation Right and Easement Agreement.
- b) Illinois Conservation Management Plans are to be negotiated between IDNR and the Landowner during the Illinois CREP enrollment process. Illinois Conservation Management Plans are an enforceable component of the Illinois CREP Grant of Conservation Right and Easement Agreement.
- c) Illinois Conservation Management Plans shall be designed to further the following Illinois CREP programmatic goals, listed in order of priority:
 - 1) Protect and enhance water quality;
 - 2) Protect and enhance general wildlife habitat;

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- 3) Protect and enhance general aquatic habitat;
- 4) Protect threatened and endangered species; and
- 5) Promote outdoor recreation.
- d) Illinois Conservation Management Plans document current Illinois CREP Acreage conditions and set forth conservation management strategies and actions. Plans will specifically address the following on enrolled acres:
 - 1) Documentation of the status of the enrolled acres related to each of the programmatic goals set forth in subsection (c);
 - 2) Required and recommended conservation management strategies and actions for Landowner implementation to meet the goals set forth in subsection (c);
 - 3) Required and recommended direction on Landowner usage, development, and construction activities;
 - 4) Required and recommended actions on roads or trails;
 - 5) Required installation of Illinois CREP signage, if applicable;
 - 6) Voluntary inclusion of scientific research, if applicable; and
 - 7) Any other issues appropriate to the enrolled acres.
- e) Illinois Conservation Management Plans may only be modified by written agreement of IDNR or an SWCD and the Landowner. Landowners must request modifications to their Plan in writing to IDNR or the SWCD. IDNR and the SWCD shall only approve requested modifications that:
 - 1) Protect the Illinois CREP programmatic goals set forth in subsection (c); and
 - 2) Apply to acreage that is not in violation of the Illinois CREP Grant of Conservation Right and Easement Agreement, unless the modification is part of an agreement to correct the violation.

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- a) ~~The landowner shall allow access to IDNR and the SWCD for monitoring site visits and to take site photographs at least once every three years for each CREP conservation easement held by the SWCD.~~
- b) ~~Monitoring reports and site photographs shall be submitted to IDNR on a triennial basis. The landowner may request a copy of the monitoring reports. The reports may include the CREP Easement Monitoring Inspection Report, the CREP monitoring checklist, and the conservation plan, including any site operation schedules, with a baseline data report and other data related to the condition observed at the CREP conservation easement property.~~
- e) ~~The landowner shall allow access to the site for an annual verification of ownership by IDNR and/or the SWCD.~~
- d) ~~The landowner shall meet with the SWCD or IDNR, as requested, to discuss any provision of the Grant of Conservation Right and Easement in order to resolve all issues of noncompliance and violations.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1515.75 Monitoring Access, Landowner Information Requests, and Signage

- a) The Landowner shall allow access to IDNR and SWCD for compliance monitoring and violation enforcement site visits and to take site photographs for each Illinois Grant of Conservation Right and Easement Agreement.
- b) IDNR will provide copies of monitoring records, Illinois Conservation Management Plans, and Illinois CREP Grant of Conservation Right and Easement Agreement upon request.
- c) The Landowner shall meet with the SWCD or IDNR, as requested, to discuss any provision of the Illinois CREP Grant of Conservation Right and Easement Agreement in order to resolve all issues of noncompliance and violations.
- d) Landowners shall install and maintain Illinois CREP signage, if signage is provided by IDNR. Signage will be located as described in the signage terms of the Illinois Conservation Management Plan.

(Source: Added at 46 Ill. Reg. _____, effective _____)

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Section 1515.80 Modifications to Grant of Conservation Right and Easement (Repealed)

a) ~~Storage Buildings~~

- ~~1) Landowners may apply for approval from IDNR to amend the Restrictions and Covenants of their CREP Grant of Conservation Right and Easement and to build a storage building to aid solely in the implementation of approved conservation practices as described in the conservation plan or in an IDNR approved management plan of the easement. A storage building may be permitted on properties encumbered by a CREP easement if the landowner can demonstrate hardship in implementing the approved conservation practices as follows:~~
 - ~~A) the landowner does not own any adjacent property or properties in close proximity that could serve as an adequate site for equipment storage; and~~
 - ~~B) other facts supporting the petition of hardship.~~
- ~~2) If IDNR determines that the landowner has successfully demonstrated hardship, as provided in subsection (a)(1), the landowner shall agree that:~~
 - ~~A) the storage building will not allow for or accommodate human habitation;~~
 - ~~B) any stored equipment will be used only for on-site maintenance of the CREP easement property;~~
 - ~~C) the storage building will not be used for bulk storage of flammable or ignitable materials in commercial tanks or containers; and~~
 - ~~D) the storage building will not be used for any agriculture, livestock, infrastructure, hunting or residential purposes.~~
- ~~3) Any storage building permitted and constructed on the CREP easement property shall conform to, or be modified in accordance with, the storage building specifications proposed by the landowner and approved by DNR.~~
- ~~4) The storage building shall be made available for inspection by the SWCD and/or IDNR. If the building is utilized for any purpose other than~~

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~~equipment storage intended for on-site maintenance, IDNR may initiate enforcement proceedings against the landowner for eviction and/or removal of the storage building at the landowner's expense. (See Section 1515.70.)~~

b) ~~Public Benefit~~

- 1) ~~IDNR and/or the SWCD may subordinate the Grant of Conservation Right and Easement and provide a partial release or full release of portions of the CREP easement land for public benefit purposes such as improvements in transportation or public utilities, or mitigation of eminent public danger.~~
- 2) ~~IDNR may work with the SWCD and the landowner to negotiate reasonable alternatives to the terms of the Grant of Conservation Right and Easement. If no reasonable alternative can be identified, IDNR will work with the SWCD and the landowner to facilitate a release and to recoup transaction costs and current market value of the area of the CREP easement released or subordinated for the public works project.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 1515.90 Violations~~Transfer of a Grant of Conservation Right and Easement~~

- a) Landowners are solely responsible and liable for complying with the terms of the Grant of Conservation Right and Easement Agreements.
- b) Upon determination of a violation of an Illinois CREP Grant of Conservation Right and Easement Agreement, IDNR or the SWCD shall proceed as follows:
 - 1) If it is determined that there is a reasonable probability that the violation will be corrected by agreement with the Landowner, a notice of violation shall be provided to the Landowner and shall include:
 - A) Information identifying the violation and the location of the acreage;
 - B) Citation to the term of the Illinois CREP Grant of Conservation Right and Easement Agreement violated;

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- C) Required corrective action to cure the violation; and
- D) Time period for the required corrective action.
- 2) If it is determined that there is not a reasonable probability that the violation will be corrected by agreement with the Landowner, that the violation was intentional, or that the violation will cause significant damage to the acreage, the violation will be directly referred for enforcement as set forth in subsection (f).
- c) IDNR or the SWCD may negotiate terms for correcting a violation. If the parties agree to terms different than the original notice of violation, an amended notice of violation will be issued to the Landowner.
- d) IDNR or the SWCD may cause a notice of violation to be recorded with the County Recorder's Office in the county where the Illinois CREP Acreage is located. If a notice of violation is recorded, IDNR or the SWCD will likewise record any amended notice of violation.
- e) If the Landowner satisfactorily corrects a violation, IDNR or the SWCD shall issue a notice of corrected violation to the Landowner. IDNR or the SWCD will also record the notice of corrected violation, if a notice of violation was filed pursuant to subsection (d).
- f) If the Landowner fails to satisfactorily correct a violation, IDNR or the SWCD shall refer the violation to the Illinois Attorney General, or other appropriate entity, for judicial enforcement. Judicial enforcement of an Illinois CREP Grant of Conservation Right and Easement Agreement shall result in the following:
 - 1) Correction of the violation;
 - 2) Payment of all costs associated with the enforcement action; and
 - 3) Payment of a civil penalty based on the culpability of the Landowner and the significance of the damage to the acreage, not to exceed the amount of the Landowner's Illinois CREP Grant of Conservation Right and Easement Agreement payment.
- g) Payments for violations by the Landowner shall not be construed as a buy-out of the Illinois CREP Grant of Conservation Right and Easement Agreement by

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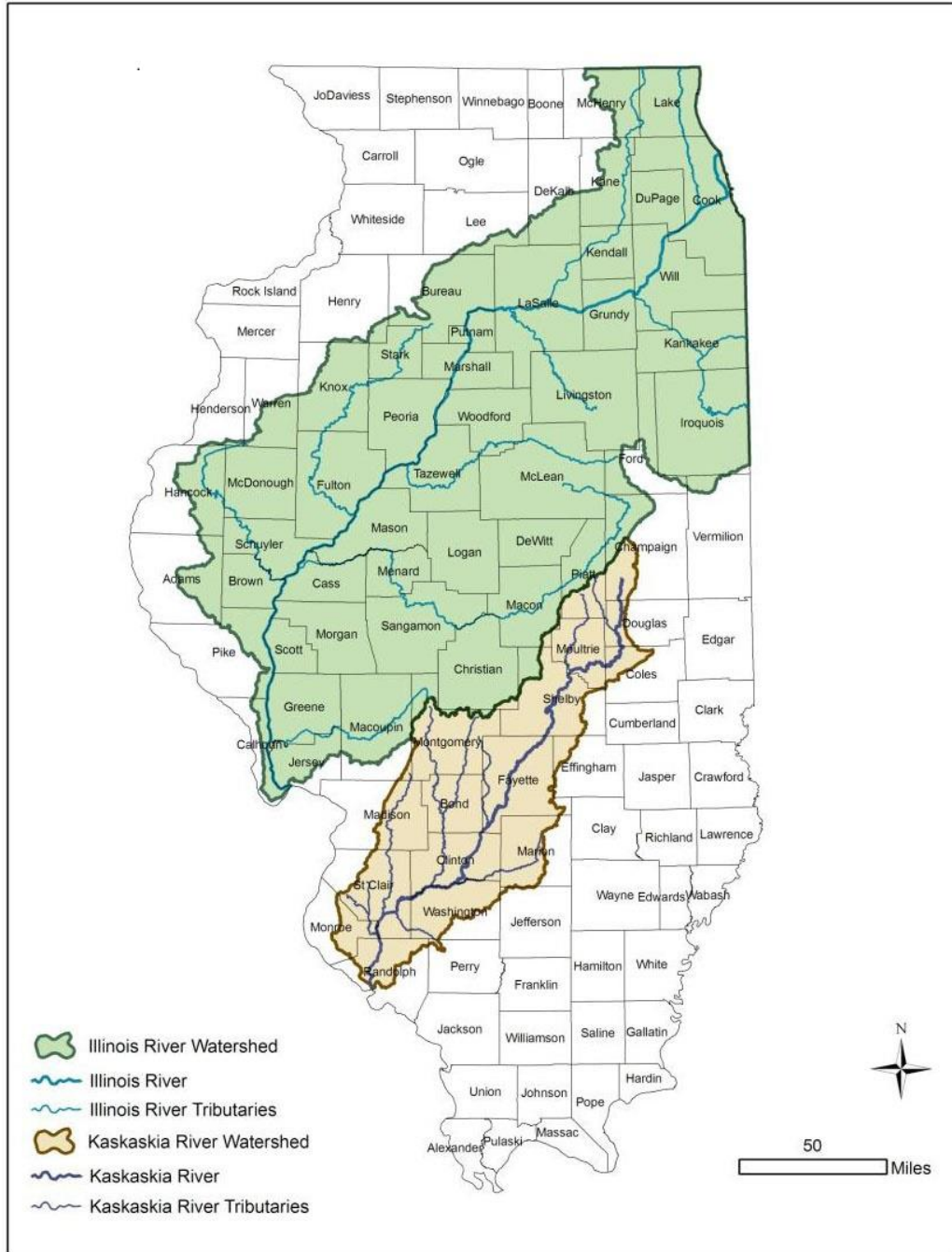
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either IDNR or the SWCD and shall not release the Landowner from, or waive any terms of, the Illinois CREP Grant of Conservation Right and Easement Agreement.

- h) Payments for violations of Illinois CREP Grant of Conservation Right and Easement Agreement shall be deposited into the Illinois Habitat Fund (see 520 ILCS 25). At the request and/or approval of IDNR, the SWCD (or other CREP easement holding entity) may transfer or assign the Grant of Conservation Right and Easement to an agency of the State, a unit of local government, or a not for-profit corporation or trust pursuant to the Real Property Conservation Rights Act [765 ILCS 120].

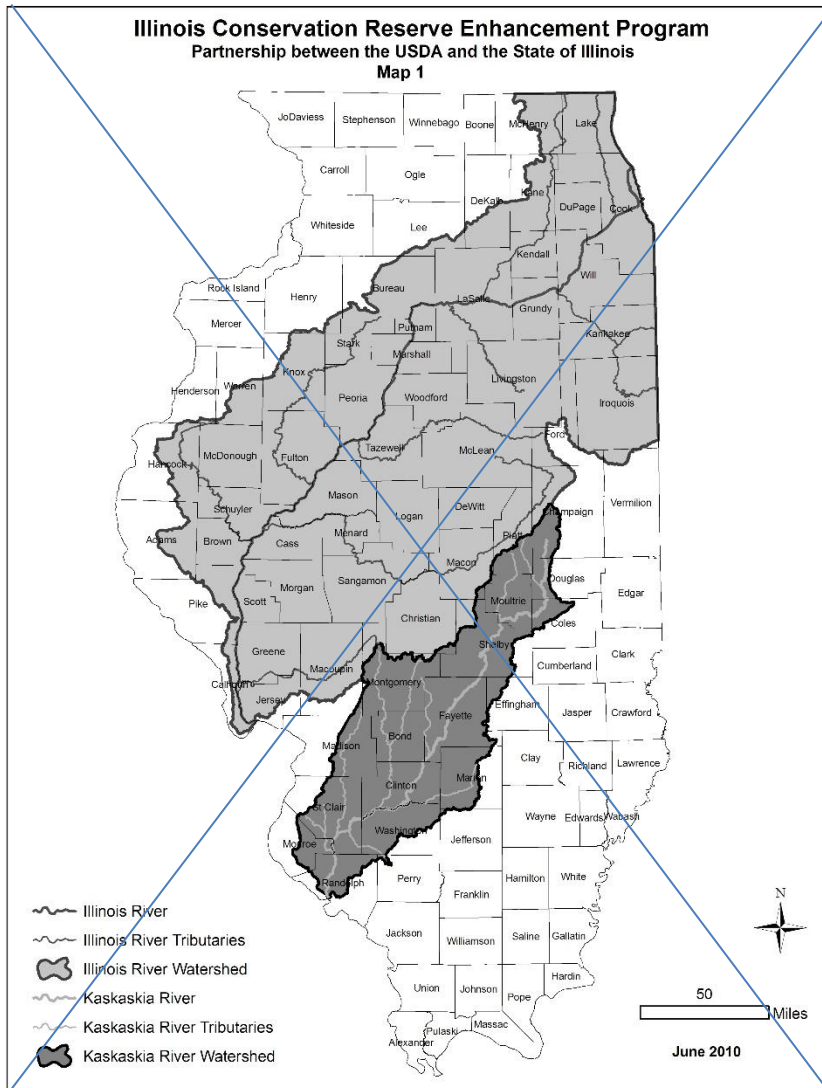
(Source: Amended at 46 Ill. Reg. _____, effective _____)



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(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 1515.EXHIBIT B List of CREP Eligible Illinois Soil and Water Conservation Districts (Repealed)

~~ADAMS COUNTY SWCD~~

~~338 S. 36th St., Quincy IL 62301~~

~~Phone: 217/224-9305 (Ext. 3)~~

~~BOND COUNTY SWCD~~

~~1111 E. Harris Ave., Greenville IL 62246~~

~~Phone: 618/664-0555 (Ext. 3)~~

~~BROWN COUNTY SWCD~~

~~511 E. Main, Mt. Sterling IL 62353~~

~~Phone: 217/773-3993 (Ext. 101)~~

~~BUREAU COUNTY SWCD~~

~~312 E. Backbone Rd., Princeton IL 61356~~

~~Phone: 815/875-8732 (Ext. 3)~~

~~CALHOUN COUNTY SWCD~~

~~P.O. Box 516, Hardin IL 62047~~

~~(UPS Address: RR 2, Box 80)~~

~~Phone: 618/576-2717 (Ext. 3)~~

~~CASS COUNTY SWCD~~

~~652 S. Main St., Virginia IL 62691~~

~~Phone: 217/452-3535 (Ext. 3)~~

~~CHAMPAIGN COUNTY SWCD~~

~~2110 W. Park Court, Suite C, Champaign IL 61821~~

~~Phone: 217/352-3536 (Ext. 3)~~

~~CHRISTIAN COUNTY SWCD~~

~~620 N. Webster St., Taylorville IL 62568~~

~~Phone: 217/287-1315 (Ext. 3)~~

~~CLINTON COUNTY SWCD~~

~~1780 N. 4th St., Breese IL 62230~~

~~Phone: 618/526-7919 (Ext. 3)~~

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~~COLES COUNTY SWCD~~

~~6021 Development Dr., Suite 2, Charleston IL 61920
Phone: 217/345-3901 (Ext. 3)~~

~~DEKALB COUNTY SWCD~~

~~1350 W. Prairie Dr., Sycamore IL 60178
Phone: 815/756-3237 (Ext. 3)
Web Address: www.dekalbilswed.org~~

~~DEWITT COUNTY SWCD~~

~~5920 Revere Rd., Clinton IL 61727
Phone: 217/935-6504 (Ext. 3)~~

~~DOUGLAS COUNTY SWCD~~

~~900 S. Washington St., Tuscola IL 61953
Phone: 217/253-2022 (Ext. 3)~~

~~EFFINGHAM COUNTY SWCD~~

~~2701 S. Banker St., Suite 101A, Effingham IL 62401
Phone: 217/347-7107 (Ext. 3)~~

~~FAYETTE COUNTY SWCD~~

~~301 S. Third St., Vandalia IL 62471
Phone: 618/283-1095 (Ext. 3)
E-mail Address: fayettecountyswed@att.net~~

~~FORD COUNTY SWCD~~

~~1380 W. Ottawa Rd., Paxton IL 60957
Phone: 217/379-2372 (Ext. 3)~~

~~FULTON COUNTY SWCD~~

~~15381 N. State Hwy. 100, Lewistown IL 61542
Phone: 309/547-2215 (Ext. 3)~~

~~GREENE COUNTY SWCD~~

~~RR 3, Box 129, Carrollton IL 62016
Phone: 217/942-5464 (Ext. 101)~~

~~GRUNDY COUNTY SWCD~~

~~3605 N. IL Rt. 47, Suite B, Morris IL 60450~~

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~~Phone: 815/942-0359 (Ext. 3)~~

~~E-Mail Address: grundycountyswcd@yahoo.com~~

~~HANCOCK COUNTY SWCD~~

~~110 Buchanan St., Carthage IL 62321~~

~~Phone: 217/357-2180 (Ext. 3)~~

~~HENDERSON COUNTY SWCD~~

~~323 E. Main St., Stronghurst IL 61480~~

~~Phone: 309/924-1167 (Ext. 3)~~

~~HENRY COUNTY SWCD~~

~~P.O. Box 162, Cambridge IL 61238~~

~~(UPS Address: 301 E. North St.)~~

~~Phone: 309/937-5263 (Ext. 3)~~

~~IROQUOIS COUNTY SWCD~~

~~1001 E. Grant St., Suite A, Watseka IL 60970~~

~~Phone: 815/432-6055 (Ext. 3)~~

~~JEFFERSON COUNTY SWCD~~

~~221 Withers Dr., Mt. Vernon IL 62864~~

~~Phone: 618/244-0773 (Ext. 3)~~

~~JERSEY COUNTY SWCD~~

~~604 E. Franklin, Jerseyville IL 62052~~

~~Phone: 618/498-3712 (Ext. 3)~~

~~E-Mail Address: jersey-swcd@yahoo.com~~

~~KANE-DUPAGE COUNTY SWCD~~

~~2315 Dean St., Suite 100, St. Charles IL 60175~~

~~Phone: 630/584-7961 (Ext. 3)~~

~~KANKAKEE COUNTY SWCD~~

~~685 Larry Power Rd., Bourbonnais IL 60914~~

~~Phone: 815/937-8940 (Ext. 3)~~

~~KENDALL COUNTY SWCD~~

~~7775A Rt. 47, Yorkville IL 60560~~

~~Phone: 630/553-5821 (Ext. 3)~~

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~~KNOX COUNTY SWCD~~

~~233 S. Soangetaha Rd., Galesburg IL 61401~~

~~Phone: 309/342-5714 (Ext. 3)~~

~~Web Address: <http://knoxcountyswed.tripod.com>~~

~~LASALLE COUNTY SWCD~~

~~1691 N. 31st Rd., Ottawa IL 61350~~

~~Phone: 815/433-0551 (Ext. 3)~~

~~LEE COUNTY SWCD~~

~~319 S. Mason Ave., Amboy IL 61310~~

~~Phone: 815/857-3621 (Ext. 3)~~

~~LIVINGSTON COUNTY SWCD~~

~~P.O. Box 80, Pontiac IL 61764~~

~~(UPS Address: 1510 W. Reynolds)~~

~~Phone: 815/844-6127 (Ext. 3)~~

~~E-mail Address: livingstoncountyswed@gmail.com~~

~~LOGAN COUNTY SWCD~~

~~1650 5th St. Rd., Lincoln IL 62656~~

~~Phone: 217/735-5508 (Ext. 3)~~

~~MACON COUNTY SWCD~~

~~4004 College Park Rd., Decatur IL 62521~~

~~Phone: 217/877-5670 (Ext. 3)~~

~~MACOUPIN COUNTY SWCD~~

~~300 Carlinville Plaza, Carlinville IL 62626~~

~~Phone: 217/854-2628 (Ext. 3)~~

~~MADISON COUNTY SWCD~~

~~7205 Marine Rd., Edwardsville IL 62025~~

~~Phone: 618/656-7300 (Ext. 3)~~

~~MARION COUNTY SWCD~~

~~1550 E. Main St., Salem IL 62881~~

~~Phone: 618/548-2230 (Ext. 3)~~

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~~MARSHALL-PUTNAM COUNTY SWCD~~

~~1511 University Ct., Henry IL 61537~~

~~Phone: 309/364-3913 (Ext. 3)~~

~~E-mail Address: mpswed4@yahoo.com~~

~~MASON COUNTY SWCD~~

~~930 E. Laurel, Suite B, Havana IL 62644~~

~~Phone: 309/543-6075 (Ext. 3)~~

~~McDONOUGH COUNTY SWCD~~

~~1607 W. Jackson St., Macomb IL 61455~~

~~Phone: 309/833-1711 (Ext. 3)~~

~~McHENRY LAKE COUNTY SWCD~~

~~1648 S. Eastwood Dr., Woodstock IL 60098~~

~~Phone: 815/338-0099 (Ext. 3)~~

~~McLEAN COUNTY SWCD~~

~~402 N. Kays Dr., Normal IL 61761~~

~~Phone: 309/452-0830 (Ext. 3)~~

~~MENARD COUNTY SWCD~~

~~17781 Village Green Rd., Petersburg IL 62675~~

~~Phone: 217/632-7590 (Ext. 3)~~

~~MONROE COUNTY SWCD~~

~~140 Williamsburg Ln., Waterloo IL 62298~~

~~Phone: 618/939-6181 (Ext. 3)~~

~~MONTGOMERY COUNTY SWCD~~

~~1621 Vandalia Rd., Hillsboro IL 62049~~

~~Phone: 217/532-3610 (Ext. 3)~~

~~MORGAN COUNTY SWCD~~

~~1904 W. Lafayette, Jacksonville IL 62650~~

~~Phone: 217/243-1535 (Ext. 3)~~

~~MOULTRIE COUNTY SWCD~~

~~1412A S. Hamilton St., Sullivan IL 61951~~

~~Phone: 217/728-7921 (Ext. 3)~~

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~~NORTH COOK COUNTY SWCD~~

~~2358 Hassell Rd., Suite B, Hoffman Estates IL 60169~~

~~Phone: 847/885-8830~~

~~PEORIA COUNTY SWCD~~

~~6715 N. Smith Rd., Edwards IL 61528~~

~~Phone: 309/671-7040 (Ext. 3)~~

~~PERRY COUNTY SWCD~~

~~617 N. Main St., Pinckneyville IL 62274~~

~~Phone: 618/357-6016 (Ext. 3)~~

~~PIKE COUNTY SWCD~~

~~1319 W. Washington, Pittsfield IL 62363~~

~~Phone: 217/285-5448 (Ext. 3)~~

~~RANDOLPH COUNTY SWCD~~

~~313 W. Belmont St., Sparta IL 62286~~

~~Phone: 618/443-4381 (Ext. 3)~~

~~ST. CLAIR COUNTY SWCD~~

~~2031 Mascoutah Dr., Belleville IL 62220~~

~~Phone: 618/233-5583 (Ext. 102)~~

~~SANGAMON COUNTY SWCD~~

~~2623 Sunrise Dr., Suite 1, Springfield IL 62703-7302~~

~~Phone: 217/241-6635 (Ext. 3)~~

~~SCHUYLER COUNTY SWCD~~

~~715 Macomb Rd., Rushville IL 62681~~

~~Phone: 217/322-3359 (Ext. 3)~~

~~SCOTT COUNTY SWCD~~

~~656 N. Main St., Winchester IL 62694~~

~~Phone: 217/742-9561 (Ext. 3)~~

~~SHELBY COUNTY SWCD~~

~~111 N. Cedar St., Suite 3, Shelbyville IL 62565~~

~~Phone: 217/774-5564 (Ext. 116)~~

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~~STARK COUNTY SWCD~~

~~7419B State Rt. 17, Toulon IL 61483~~

~~Phone: 309/286-2261 (Ext. 3)~~

~~TAZEWELL COUNTY SWCD~~

~~1440 Valle Vista Blvd., Suite B, Pekin IL 61554 6224~~

~~Phone: 309/346-4462 (Ext. 3)~~

~~VERMILION COUNTY SWCD~~

~~1905 A U.S. Rt. 150, Danville IL 61832~~

~~Phone: 217/442-8511 (Ext. 101)~~

~~WARREN COUNTY SWCD~~

~~701 N. Main St., Monmouth IL 61462~~

~~Phone: 309/734-8569 (Ext. 3)~~

~~E-mail Address: warrencountyswcd@frontiernet.net~~

~~WASHINGTON COUNTY SWCD~~

~~424 E. Holzhauer Dr., Nashville IL 62263~~

~~Phone: 618/327-3078 (Ext. 101)~~

~~WILL SOUTH COOK COUNTY SWCD~~

~~1201 S. Gougar Rd., New Lenox IL 60451~~

~~Phone: 815/462-3106 (Ext. 3)~~

~~E-mail Address: info@will-scookswcd.org~~

~~WINNEBAGO COUNTY SWCD~~

~~4833 Owen Center Rd., Rockford IL 61101~~

~~Phone: 815/965-2392 (Ext. 3)~~

~~WOODFORD COUNTY SWCD~~

~~937 W. Center St., Eureka IL 61530~~

~~Phone: 309/467-2308 (Ext. 3)~~

~~(Source: IL Department of Agriculture, 2014 Illinois Soil and Water Conservation District Directory)~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)